

AMENDED IN SENATE JUNE 22, 1998

AMENDED IN SENATE JUNE 16, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1695

Introduced by Assembly Member Knox

January 26, 1998

An act to add Section 653.23 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1695, as amended, Knox. Crimes: supervision of a prostitute.

Existing law makes it a misdemeanor for any person to solicit, agree to engage in, or engage in an act of prostitution, or to loiter in any public place with the intent to commit prostitution.

This bill would make it a misdemeanor for any person to direct, supervise, recruit, attempt to recruit, ~~aid in the inducement, enticement, or solicitation of prostitution or the procurement of another to commit prostitution,~~ or otherwise aid another person in the commission of an act of prostitution, or to collect or receive all or part of the proceeds earned from an act or acts of prostitution committed by another person.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 653.23 is added to the Penal
2 Code, to read:

3 653.23. (a) It is unlawful for any person to do either
4 of the following:

5 (1) Direct, supervise, recruit, attempt to recruit, ~~aid in~~
6 ~~the inducement, enticement, or solicitation of~~
7 ~~prostitution or the procurement of another to commit~~
8 ~~prostitution~~, or otherwise aid another person in the
9 commission of a violation of subdivision (b) of Section 647
10 or subdivision (a) of Section 653.22.

11 (2) Collect or receive all or part of the proceeds
12 earned from an act or acts of prostitution committed by
13 another person in violation of subdivision (b) of Section
14 647.

15 (b) Among the circumstances that may be considered
16 in determining whether a person is in violation of
17 subdivision (a) are that the person does the following:

18 (1) Repeatedly speaks or communicates with another
19 person who is acting in violation of subdivision (a) of
20 Section 653.22.

21 (2) Repeatedly or continuously monitors or watches
22 another person who is acting in violation of subdivision
23 (a) of Section 653.22.

24 (3) Repeatedly engages or attempts to engage in
25 conversation with pedestrians or motorists to solicit,
26 arrange, or facilitate an act of prostitution between the
27 pedestrians or motorists and another person who is acting
28 in violation of subdivision (a) of Section 653.22.

29 (4) Repeatedly stops or attempts to stop pedestrians or
30 motorists to solicit, arrange, or facilitate an act of
31 prostitution between pedestrians or motorists and
32 another person who is acting in violation of subdivision
33 (a) of Section 653.22.

(5) Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to contact or stop pedestrians or other motorists to solicit, arrange, or facilitate ~~and~~ *an* act of prostitution between the pedestrians or motorists and another person who is acting in violation of subdivision (a) of Section 653.22.

(6) Receives or appears to receive money from another person who is acting in violation of subdivision (a) of Section 653.22.

(7) Engages in any of the behavior described in paragraphs (1) to (6), inclusive, in regard to or on behalf of two or more persons who are in violation of subdivision (a) of Section 653.22.

(8) Has been convicted of violating this section, subdivision (a) or (b) of Section 647, subdivision (a) of Section 653.22, Section 266h, or 266i, or any other offense relating to or involving prostitution within five years of the arrest under this section.

(9) Has engaged, within six months prior to the arrest under subdivision (a), in any behavior described in this subdivision, with the exception of paragraph (8), or in any other behavior indicative of prostitution activity.

(c) The list of circumstances set forth in subdivision (b) is not exclusive. The circumstances set forth in subdivision (b) should be considered particularly salient if they occur in an area that is known for prostitution activity. Any other relevant circumstances may be considered. Moreover, no one circumstance or combination of circumstances is in itself determinative. A violation of subdivision (a) shall be determined based on an evaluation of the particular circumstances of each case.

(d) Nothing in this section shall preclude the prosecution of a suspect for a violation of Section 266h or 266i or for any other offense, or for a violation of this section in conjunction with a violation of Section 266h or 266i or any other offense.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred

1 by a local agency or school district will be incurred
2 because this act creates a new crime or infraction,
3 eliminates a crime or infraction, or changes the penalty
4 for a crime or infraction, within the meaning of Section
5 17556 of the Government Code, or changes the definition
6 of a crime within the meaning of Section 6 of Article
7 XIII B of the California Constitution.

8 Notwithstanding Section 17580 of the Government
9 Code, unless otherwise specified, the provisions of this act
10 shall become operative on the same date that the act
11 takes effect pursuant to the California Constitution.

